

MEMORANDUM

GOE

AGENDA ITEM NO. 3 (D)

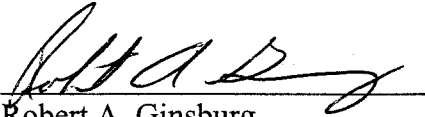
TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 14, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to
Chapter 8CC requiring
courtesy notices

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

**RESOLUTION REQUIRING COURTESY NOTICE PRIOR
TO THE ISSUANCE OF A NOTICE OF VIOLATION
RELATING TO CODE ENFORCEMENT PURSUANT TO
CHAPTER 8CC OF THE CODE AND PROVIDING FOR
SERVICE OF NOTICES**

WHEREAS, Chapter 8CC of the Code of Miami-Dade County provides for the enforcement of Code violations through the issuance of civil violation notices; and

WHEREAS, Chapter 8CC requires the delivery of civil violation notices; and

WHEREAS, the issuance of a courtesy notice, which is not required by the Code, prior to the issuance of the civil violation notice, will foster greater voluntary compliance with code requirements and will promote a more cost effective and efficient enforcement mechanism; and

WHEREAS, pursuant to Chapter 8CC the notice of civil violation may result in liens over the offending property; and

WHEREAS, as a result and to promote greater voluntary compliance, notices should be delivered not only to the violator but also to the owner of the offending structure,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The County shall deliver a courtesy notice prior to the issuance of any notice of violation pursuant to Chapter 8CC of the Code of Miami-Dade County. The courtesy notice shall have the same contents and be delivered in the same manner as the notice of violation provided for in the Code, except that it shall not carry any penalty beyond that which may be effected through subsequent notice of violation.

Section 2. In addition to other notices required by the Code, all notices provided for under Chapter 8CC and this resolution shall be delivered to the owner of the offending structure as reflected in the County real property tax records maintained pursuant to Section 197.344 of the Florida Statutes, as the same may be amended or renumbered.

Section 3. The provisions of this resolution shall not apply in case of emergency action. This resolution is intended to improve voluntary compliance through courtesy notification. Accordingly, it is directory to the County Manager and staff only, and shall not serve as the basis of challenge of County enforcement action by third parties, which challenges must be premised solely on the standards for notice set forth in Chapter 8CC of the Code of Miami-Dade County.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales

Dorrian D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of November, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney
As to form and legal sufficiency HB/

Hugh Benitez